

Testimony
Tribal and State Relations Committee
Thursday, May 29, 2014
North Dakota Indian Affairs Commission

Good afternoon, Chairman Johnson and members of the Tribal and State Relations Committee. My name is Jessica Johnson. I am the Judicial Systems Administrator for the North Dakota Indian Affairs Commission (NDIAC).

As part of my duties, I sit on the Minority Justice Implementation Committee. This committee's purpose is to implement the recommendations of the North Dakota Commission to Study Racial and Ethnic Bias in the Courts' Final Report, which was submitted to the Supreme Court in June 2012. One of the recommendations found in this report is to implement Extending Project Passport throughout North Dakota.

The goal of Extending Project Passport is to build upon the success of the original Project Passport. Project Passport was designed to improve recognition and enforcement of orders of protection within and between states and tribes by encouraging states and tribes to adopt a recognizable first page for orders of protection which include common elements and format.

Extending Project Passport regional meetings were held in 2004, 2005, and 2007. At these meetings, the model template was introduced to several states, multiple tribes, and three U.S. territories. According to the National Center for State Courts, more than half of the U.S. states (approximately 35 states to date) have adopted the model template into their orders of protection; others are actively in the process. The National American Indian Court Judges Association is a partner in this initiative, has passed a formal resolution supporting Project Passport, and encourages its members and tribal courts to participate in all Project Passport-related efforts.

The critical aspects of the model template (see attached) for the first page are common data elements identified as being essential for verifying a protection order's validity and properly identifying presenting parties at the point of enforcement. If this essential data is not readily available and easily recognizable on an order of protection, securing the safety of a domestic violence survivor (and possibly others at the scene) can be in jeopardy. The need for consistency and recognizability is heightened for protection orders issued in another jurisdiction outside of the enforcing jurisdiction, otherwise known as "foreign protection orders." The template is a practical mechanism for strengthening full faith and credit across jurisdictions and enlarging the safety net for domestic violence survivors – regardless of where they live or where the protection order was issued.

Extending Project Passport also encourages electronic data and information sharing using established national data standards to improve the comparability and accessibility of protection order data across jurisdictions. All four major North Dakota tribes are currently using a coversheet for their orders of protection; however, not all identify the coversheet as *Passport*. The Committee on Tribal and State Court Affairs is working with the tribal courts and the Attorney General's Office to initiate a process for tribal courts to use Passport, as well as enter their orders of protection in the state's system, so any law enforcement officer, on or off the reservation, will be able to easily identify any valid domestic violence protection order.

In conclusion, our office will continue to work in a good way with the Tribes, State officials such as the Attorney General's Office, the Minority Justice Implementation Committee, and the Committee on Tribal and State Court Affairs to implement Extending Project Passport.

This finalizes my testimony. I will be more than happy to answer any questions you may have.

Order of Protection

☐ Amended Order

Case No. _____

Court _____

County _____

State _____

PETITIONER/PLAINTIFF

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First

Middle

Last

And/or on behalf of minor family member(s): (list name and DOB) _____

PETITIONER/PLAINTIFF IDENTIFIERS

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Date of Birth of Petitioner

Other Protected Persons/DOB: _____

V.

RESPONDENT

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First

Middle

Last

Relationship to Petitioner: _____

Respondent's Address _____

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
DRIVERS LICENSE #		STATE	EXP DATE	

Distinguishing Features _____

CAUTION:

☐ Weapon Involved

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

☐ Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☐ That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

☐ That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff.

☐ Additional terms of this order are as set forth below.

The terms of this order shall be effective until _____, _____.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.